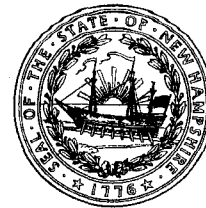




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-054**

May 31, 2006

Sancta Cantrell
62 Epping Rd
Exeter, NH 03833

RE: NH DES Wetlands Compliance File No. 2006-00920 67 Epping Rd, Exeter Tax Map 62 Lot 99

Dear Ms. Cantrell:

On May 2, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Exeter Tax Map 63 as Lot 99 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

Approximately 150 linear feet of Norris Brook had been widened, denuded of all ground cover, saplings and shrubs, all exposed soils were not adequately stabilized, and turbid water flowed through the site and through the culvert beneath Exeter Road.

In response, you are requested to take the following actions:

1. **BY JUNE 30, 2006**, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for the immediate stabilization of the stream bed, banks, and adjacent areas. Replanting the disturb area with native vegetation to include: ground cover, shrubs, and saplings on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, jute matting, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include, at a minimum, monitoring progress reports for two successive growing seasons following completion of the restoration project.
- f. A provision to delineate the wetlands within the restoration site after 2 full growing seasons and document the delineation with data forms and depict the delineation on a site plan.

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2. Retain a qualified wetland scientist and certified professional in erosion and siltation control to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.


DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Eben M. Lewis
Compliance Investigator
NH DES Wetlands Bureau
Pease Field Office
50 International Drive, Suite 200
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Eben M. Lewis at 603.559.1515 or via email at elewis@des.state.nh.us.

Sincerely,

Frank D. Richardson, Ph.D.
Senior Wetlands Inspector
Southeast Region Supervisor
NH DES Wetlands Bureau

FDR/eml

CERTIFIED MAIL 7002 2410 0001 6279 1369

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tracey Boisvert, Compliance Supervisor, DES Wetlands Bureau
Don Clement, Exeter Conservation Commission
Sylvia von Aulock, Exeter Town Planner
Douglas Eastman, Exeter Building Inspector, Code Enforcement Officer
Exeter Board of Selectmen